

# PLAN AND ZONING COMMISSION

PZ\_AF\_03-11-2019

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:30 p.m. on Monday, March 11, 2019, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

Roll Call: Andersen, Costa, Crowley, Drake, Erickson, Hatfield, Southworth.....Present

## **Item 1 - Consent Agenda**

### **Item 1a - Minutes of the meeting of February 25, 2019**

Chairperson Erickson asked for any comments or modifications to the February 25, 2019 minutes.

Moved by Commissioner Crowley, seconded by Commissioner Costa, the Plan and Zoning Commission approved the February 25, 2019 meeting minutes.

Vote: Andersen, Costa, Crowley, Drake, Erickson, Hatfield, Southworth.....Yes  
Motion carried.

### **Item 1b – Review of Minutes of workshop session held February 26, 2019**

Corrected date in minutes from Monday, February 26, 2019 to Tuesday, February 26, 2019.

## **Item 2 – Public Hearings**

There was one Public Hearing item to address.

### **Item 2a - Amendment to City Code - To Amend Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District) and Chapter 10 (Performance Standards), to modify garage requirements and establish a waiver process for single-family detached dwellings - City Initiated - AO-004123-2018**

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on March 1, 2019.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Drake, seconded by Commissioner Southworth, the Plan and Zoning Commission accepted and made a part of the record all testimony and all other documents received at this public hearing.

Vote: Andersen, Costa, Crowley, Drake, Erickson, Hatfield, Southworth.....Yes  
Motion carried.

Lynne Twedt, Director of Development Services, summarized the amendment which requires detached garages for all new single family homes with the exception of those qualifying for a waiver program. Plan and Zoning Commission passed the modified garage requirement amendment in November, however Council pulled the single family amendment and requested that staff create a waiver program to support low income owners.

Specific criteria were drafted to qualify for the waiver program.

## PLAN AND ZONING COMMISSION

Council requested that the waiver be granted by Staff review rather than Council. To qualify, the home occupant must be at or below 80% Area Median Income, verified by the City's Housing Planner, and the home must be less than 1,600 sq. ft. A 10'x10' storage unit was required to be supplied in lieu of a garage, or a designated storage area at the rear of the home with a 4' exterior entrance. Off street parking for two stalls was required, and a 15 foot side yard setback is required to allow for future addition of a garage. A restriction is being placed on the home that the owner would have to repay the value of the waiver if the home was sold or leased to an occupant not meeting the 80% AMI. Existing single family homes without garages are being grandfathered in, and in situations where the City requires removal of a garage for safety reasons, the owner would not be required to rebuild.

Commissioner Crowley asked who would enforce and police the sale. Director Twedt responded that the City Housing Planner would verify income prior to occupancy, and the electric meter would not be released without verification.

Commissioner Drake asked if the occupancy term was fixed at 10 years. Director Twedt stated that it depended on the agreement signed; it could be a 7 year term. The agreement would state the term and would determine the sliding scale if repayment was necessary. Commissioner Drake clarified that the owner would be responsible for paying back the waiver if the property was sold to a non-eligible party. Director Twedt affirmed.

Commissioner Costa questioned who developed the waiver. Director Twedt responded that the intent to avoid having houses flipped, adding that Habitat for Humanity has first right of refusal if a house is going to be sold, but that the City didn't have that right. The intent is to help the home say with lower income occupants.

Commissioner Costa commented that this seems like a steep penalty for a person in low-to-moderate income. Sometimes it's beyond their control that they need to find a different housing situation. Ten years seems like a long time; seems like it could be applied with a shorter window. To avoid the house flipping concern, a year might be long enough to preclude that. He concluded that this is the only item he was concerned with.

Chairperson Erickson questioned if Commissioner Cost believed this might put additional hardship on the owner. Commissioner Costa agreed, stating it can become one more punitive issue on top as it limits their market by having to identify qualified buyer.

Chairperson Erickson stated that all of the commissioners agreed that they wanted to see homes made available to lower income, and not to cater to house flippers. He asked whether approving the ordinance could be separate from the waiver requirements, as there was concern that they might be punitive. Director Twedt agreed that the requirements could be decided later.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, closed the public hearing and asked for continued discussion or a motion.

Commissioner Costa moved to approve the amendment subject to a 1 year deed restriction on sale of home without penalty, seconded by Commissioner Hatfield. The Plan and Zoning Commission approved the ordinance amendment.

Vote: Andersen, Costa, Crowley, Drake, Erickson, Hatfield, Southworth.....Yes  
Motion carried.

### **Item 3 – Old Business**

There were no Old Business items to address.

## PLAN AND ZONING COMMISSION

### **Item 4 – New Business**

#### **4a – Review of 1525 Grand Renewal Plan for Conformity with the General Plan (Comprehensive Plan)**

Clyde Evans, Director of Community and Economic Development stated that state code requires that the Commission review urban renewal plans for conformity with the General Plan, adding that this is the site of the new Mercy Medical Clinic.

Commissioner Drake questioned if the property tax values toward this project are \$450,000. Director Evans affirmed that they are, based on current levy rates

Chairperson Erickson asked if anyone from the audience would like to speak to this item, seeing none, asked for continued discussion or a motion.

Moved by Commissioner Drake, seconded by Commissioner Southworth the Plan and Zoning Commission adopted a resolution recommending the City Council find conformity with the General Plan.

Vote: Andersen, Costa, Crowley, Drake, Erickson, Hatfield, Southworth.....Yes  
Motion carried.

#### **4b – West Des Moines Water Works Administration Building, 1505 Railroad Avenue, Approval of Site Plan to Construct a 7,000 sq. ft. Office Building – West Des Moines Water Works – MaM-004137-2018**

Chairman Erickson recused himself; Commissioner Costa stepped in as Chair Pro Tem.

Brent Strauch, Shive-Hattery, 4125 Westown Parkway, #100, West Des Moines, stated that West Des Moines Water Works is looking to relocate their administration from City Hall to 1505 Railroad with removal of existing storage building, and construction of a new administration building with additional storage.

Linda Schemmel, Development Services Coordinator, stated there is one condition of approval, requiring updated plans prior to issuing the building permit.

Chairperson Erickson asked if anyone from the audience would like to speak to this item, seeing none, asked for continued discussion or a motion.

Moved by Commissioner Crowley, seconded by Commissioner Hatfield, the Plan and Zoning Commission adopted a resolution recommending the City Council approve the site plan.

#### Conditions of Approval

1. Applicant must provide finalized site plan and building elevation drawings prior to issuance of any building permit.

Vote: Andersen, Costa, Crowley, Drake, Hatfield, Southworth.....Yes  
Erickson.....Abstained  
Motion carried.

Chairperson Erickson resumed the dais.

## PLAN AND ZONING COMMISSION

### **Item 5 – Staff Reports**

Item 5a - The next scheduled meeting will be Monday, March 25, 2019.

### **Item 6 - Adjournment**

Chairperson Erickson adjourned the meeting at 5:47 p.m.

---

Craig Erickson, Chairperson

---

Recording Secretary